

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ROBERT AMATRONE, NICK
5 AMATRONE,

6 Plaintiffs,

7 v.

8 STATE FARM FIRE AND CASUALTY
9 COMPANY, et al.,

10 Defendants.

Case No. 2:17-cv-01279-APG-PAL

**ORDER ADDRESSING VARIOUS
PENDING MOTIONS**

(ECF Nos. 21, 22, 30, 33, 35)

11 The defendants have filed two motions to dismiss the plaintiffs' complaint. ECF Nos. 5,
12 24, 25. The plaintiffs filed a motion to stay this case because plaintiff Nick Amatrone is allegedly
13 unable to represent himself in this case. ECF No. 30. However, after filing that motion—and
14 despite his diagnosis of alleged incompetency—Nick filed at least two motions in Nevada state
15 court. ECF Nos. 31-4, 31-5.¹ The plaintiffs offer no reason why Robert Amatrone has not and
16 cannot file oppositions to the pending motions.

17 On July 25, 2017, the plaintiffs requested a 60-day continuance on any hearing on the
18 pending motion to dismiss because Robert was involved in a car accident. ECF No. 22. More
19 than 60 days have passed since then and the plaintiffs have not filed an opposition to the motion
20 to dismiss. The motion for continuance (ECF No. 22) is denied as moot. It appears that the
21 plaintiffs' motion to stay (ECF No. 30) and the motion for continuance are simply attempts to
22 delay a decision on the pending motions.

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26 ¹ In addition, a federal district judge in California recently denied Nick's request to stay
27 proceedings based on his alleged inability to participate in the litigation. ECF No. 31-2. Although that
28 denial of a stay was entered before the alleged new diagnosis was submitted in this case, the coincidence is
telling.

1 The defendants recently moved for rulings on the pending motions, asking that they be
2 granted because no oppositions have been filed. ECF No. 35. I will deny that motion and give the
3 plaintiffs one final opportunity to file responses to the pending motions.

4 The defendants filed a motion for an expedited hearing on their motion to dismiss. ECF
5 No. 21. My case docket is overly full and I have not been able to accommodate that request. I
6 will address the pending motions as quickly as I can work them into my calendar. The motion for
7 expedited hearing is denied.

8 IT IS HEREBY ORDERED that the plaintiffs' motion to stay (**ECF No. 30**) and motion
9 for continuance (**ECF No. 22**) are **DENIED**. The plaintiffs shall file oppositions to the pending
10 motions (ECF Nos. 5, 24, 25) by January 16, 2018.

11 IT IS FURTHER ORDERED that the defendants' motion for expedited hearing (**ECF No.**
12 **21**), motion to strike (**ECF No. 33**), motion for rulings on the pending motions (**ECF No. 35**) are
13 **DENIED**.

14 DATED this 2nd day of January, 2018.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE